



Members:

Sen. Sandra Dempsey, Chair
Sen. Sue Landske
Sen. Joseph Zakas
Sen. Rose Antich
Sen. William Alexa
Sen. Earline Rogers
Rep. Thomas Alevizos
Rep. Charlie Brown
Rep. Robert Kuzman
Rep. Timothy Fesko
Rep. Dean Mock
Rep. Ralph Ayres
Mayor Duane Dedelow
Mayor James Perron

NORTHWEST INDIANA COMMUTER RAIL AND TRANSPORTATION STUDY COMMISSION

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MEETING MINUTES

Meeting Date: September 24, 1998
Meeting Time: 1:00 P.M.
Meeting Place: Board Room St. Joseph County Airport
Meeting City: South Bend, Indiana
Meeting Number: 4

Members Present: Sen. Sandra Dempsey, Chair; Sen. Joseph Zakas; Sen. Earline Rogers; Sen. William Alexa; Rep. Charlie Brown; Rep. Dean Mock; Rep. Thomas Alevizos.

Members Absent: Sen. Sue Landske; Sen. Rose Ann Antich; Rep. Robert Kuzman; Rep. Timothy Fesko; Rep. Ralph Ayres; Mayor Duane Dedelow; Mayor James Perron.

The Chair, Senator Dempsey, called the meeting to order at 1:20 p.m. Commission members then introduced themselves. Senator Dempsey briefly explained the purpose of the Commission and its directives. Because of a lack of a quorum, the minutes from the previous Commission meeting could not be approved.

1. Indiana Department of Transportation

Mr. Phil Schermerhorn, Indiana Department of Transportation (INDOT) Deputy Commissioner for Public and Legislative Affairs, addressed the Commission on the issue of "Michigan Trains" and overweight trucks on the highways. The term "Michigan Trains" is a description for a vehicle that conforms to the state of Michigan axle weight regulations. Mr. Schermerhorn distributed a document which described Michigan Trains.¹ The issue of overweight trucks was the subject of two articles in the Gary-Post Tribune earlier in the year. In his presentation, Mr. Schermerhorn said that while there are problems with the system of permitting "Michigan Trains", he said that the INDOT has addressed some of the problems. For example, Mr. Schermerhorn said that the INDOT has instituted programs such as an automated permit process that allows haulers to obtain permits 24 hours per day. Mr. Schermerhorn also said that the INDOT is not responsible for enforcing weight limits for "Michigan Trains". He said that is the responsibility of the Indiana State Police. In response to a Commission question, Major Robert Seifert of

¹This document is on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana, 46204. The telephone number of the Legislative Information Center is (317-232-9856).

the Motor Carrier Division of the Indiana State Police, told the Commission that Indiana trucks can weigh 80,000 pounds without a special permit. With the special permit, trucks can weigh 134,000 pounds.

Senator Dempsey next recognized Mr. William Johnson, a Gary, Indiana, steel hauler. Mr. Johnson told the Commission that many times steel haulers avoid the permitting process because of the costs. Mr. Johnson said that it costs more than \$40 per day for a "Michigan Train" permit. He also said that the permitting process is bypassed because the permits are only good for 24 hours which is not enough time for some truckers.

Representative Brown commented that perhaps the problem with overweight trucks is that the steel mills are allowing overweight trucks to operate on the highways. Rep. Brown said that he would support fining the mills that knowingly allow drivers to haul overweight loads.

Other Commission discussion regarding overweight trucks centered around a yearly license plate that would allow haulers to apply for a permit once. This would remove the daily application for the permit. Major Seifert of the State Police said that he would support such a concept. Major Seifert further commented that a yearly fee for the plate would mean that the State Police would not have to have State Police personnel checking to see if haulers have permits.

The Chair next asked Mr. Schermerhorn to discuss noise barriers along the Borman Expressway. Mr. Schermerhorn told the Commission that the INDOT would begin a noise study on either side of I-80/94 (the Borman Expressway) from Cline Avenue east to I-65 to determine the need for noise barriers. Senator Rogers had expressed interest in the noise barriers in previous meetings.

Mr. Schermerhorn next discussed a comparison of vehicle crashes on the Borman Expressway to a similar segment of the East-West Toll Road. Mr. Schermerhorn distributed a copy of the number of crashes on the Borman Expressway from the Illinois state line to I-65 and from the Illinois state line to US 12/20 on the Toll Road for the years 1993 through 1997². On average, there have been 1,121 crashes annually on the Borman Expressway since 1993 for the area specified, while there have been, on average 113 accidents on the Toll Road for the specified area.

2. Indiana Toll Road Operations

Senator Dempsey next recognized Mr. Michael Puro, General Manager of the Indiana Toll Road. Mr. Puro addressed the Commission on how Toll Road policy is set and who sets it. Mr. Puro said that the Trust Indenture is the document which protects the purchasers of Toll Road bonds and contains a multitude of policy provisions which govern the operation of the Toll Road. For example, it dictates how Toll Road rates are set. Mr. Puro said that INDOT runs the Toll Road through the Toll Road Division. State and INDOT policies apply to the Toll Road when they do not conflict with the lease agreement and Trust Indenture or are impractical for a Toll Road operation. However, the General Assembly can set policy in areas that do not conflict with the Trust Indenture, for example, the General Assembly set policy for how the Transportation Improvement Fund (TIF) is to be used.

Senator Dempsey called upon Mr. Shah Towfighi, Executive Director of the Indiana Transportation Finance Authority, to discuss Toll Road financing and use of excess Toll Road revenues. Mr. Towfighi distributed to the Commission a report titled "Allocation of Toll Road Revenues"³. Mr. Towfighi told the Commission that Toll Road bond issues are governed by the provisions of IC 8-9.5-8 and IC 8-15 and a trust indenture between the Indiana Transportation Finance Authority (ITFA) and the National City Bank of Indiana. The ITFA is responsible for the construction, reconstruction, improvement, maintenance, repair and operation of the Toll Road. These functions are performed by the INDOT under a lease between INDOT and the ITFA.

²This document is on file in the Legislative Council Information Center (see footnote 1).

³This document is on file in the Legislative Council Information Center (see footnote 1).

Mr. Towfighi next distributed a copy of "Toll Road Transportation Improvement Fund-Projects Funded to Date".⁴ Sixteen projects have been funded through the Transportation Improvement Fund (TIF) since 1990. The projects total \$34.11 million. Mr. Towfighi told the Commission that applications must be made to the IFTA for TIF funded projects. Mr. Towfighi also distributed a copy of "Traffic and Revenues"⁵ for the Toll Road for 1995-1998. In response to a question, Mr. Towfighi said that any toll increases must come from the Toll Road engineers and not the General Assembly.

With no further business, Senator Dempsey adjourned the meeting at 3:20 p.m.

⁴This document is on file in the Legislative Council Information Center (see footnote 1).

⁵This document is on file in the Legislative Council Information Center (see footnote 1).